

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IN RE WESTERN STATES WHOLESALE
NATURAL GAS ANTITRUST
LITIGATION,

MDL Docket No. 1566

Base Case No. 2:03-cv-01431-RCJ-PAL

ORDER

THIS DOCUMENT RELATES TO:
ALL ACTIONS

This matter is before the court on the district judge's minute order setting two motions for summary judgment for hearing. In a Minute Order in Chambers (Dkt. #2291) entered February 29, 2016, the district judge set oral argument on CenterPoint Energy Services, Inc.'s Motion for Summary Judgment (Dkt. #2286) for oral argument on May 20, 2016. In an Amended Minute Order entered March 4, 2016, the district judge also set Defendants' Motion for Summary Judgment Based on Res Judicata and Release Defenses (Dkt. #2299) for oral argument on May 20, 2016.

After remand from the United States Supreme Court, the district judge held an initial status conference on September 15, 2015 and indicated his preference on the record that serial dispositive motions should not be filed, and that dispositive motions should ordinarily be filed after the close of discovery. The parties were directed to submit a proposed discovery plan and scheduling order to the undersigned, and to schedule a mediation either with a private mediator or to discuss assignment of another magistrate judge in this district to conduct a mediation. See Minutes of Proceedings (Dkt. #2160).

The undersigned has been conducting monthly status and dispute resolution conferences since October 8, 2015. The parties' Stipulated Case Management Schedule (Dkt #2164) was entered October 8, 2015. See Order (Dkt. #2169). At the October 8, 2015 status and dispute

1 resolution conference several defendants indicated an intention to file dispositive motions before
2 the close of discovery. Plaintiffs opposed the suggestion asserting it was inconsistent with the
3 district judge's stated intention, inefficient and disruptive to timely completion of discovery and
4 expert report preparation. The court indicated no order precluding motions for summary
5 judgment from being filed would be entered. However, to avoid disrupting the discovery plan
6 and scheduling order, completion of discovery and filing serial dispositive motions, responses to
7 dispositive motions would not be due until 12/1/2016, *unless the district judge ordered*
8 *otherwise*. The court directed counsel for any party filing a dispositive motion before the close
9 of discovery to provide a rationale for why the motion should be heard earlier.

10 The district judge has now set oral argument on two dispositive motions. The minute
11 order setting two dispositive motions for hearing on May 20, 2016, did not expressly address
12 when responses to the motions for summary judgment would be due. The court therefore
13 communicated with the district judge to determine his intention. Having discussed the matter
14 with the district judge, it is his intention to require responses to the motions for summary
15 judgment. The parties responding to the motions for summary judgment which are set for
16 hearing may respond that additional discovery is needed before a decision on the merits may be
17 rendered, or that filing the motion(s) is contrary to the timing preference the district judge
18 previously expressed. However, a response and reply must be filed sufficiently in advance of the
19 hearing for Judge Jones to consider the motions. Setting a briefing schedule was referred to me.

20 Having reviewed and considered the matter,

21 **IT IS ORDERED** that:

- 22 1. Plaintiffs' shall have until **April 15, 2016**, to file a responses to CenterPoint Energy
23 Services, Inc.'s Motion for Summary Judgment (Dkt. #2286), and Defendants'
24 Motion for Summary Judgment Based on Res Judicata and Release Defenses and
25 Supporting Brief (Dkt. #2299).


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1 2. Movants shall have until **April 29, 2016**, to file a reply to the Motions for Summary
2 Judgment (Dkt. #2286, 2299)

3 Dated this 9th day of March, 2016.

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6 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE